



Approved June 1, 2017

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Minutes of the **Board of Supervisors Special Meeting for RCD Workshop** held April 18, 2017.

1. Meeting called to order by Chair Humphrey at 11:02 a.m.

Roll of Attendance

Supervisors present:

Others present:

Margaret Behrens	Michael Schumann, RCD Staff
Lena Buggs	Ann WhiteEagle, RCD Staff
Mara Humphrey	Andrea Prichard, RCD Staff
Gwen Willems	Brian Olsen, RCD Staff
	Joe Lochner, RCD Staff
	Michelle Prosser, RCD Staff
	Kevin Bigalke, BWSR Central Region Manager
	Mary Peterson, BWSR Board Conservationist
	Rick Cunningham, Ramsey County facilitator
	Dawn Pape

Chair Humphrey welcomed the facilitator Rick Cunningham with Ramsey County. Mr. Cunningham indicated that he was there to assist with process and to help the Board focus on issues that are of importance to them. He then asked how he could be most helpful.

Supervisor Willems said she'd like him to keep the Board moving along to avoid being bogged down by any one topic. Chair Humphrey asked him to help the Board be sure that all voices are being heard as well as help them move through the items as needed and assist them in thinking about how they work together and make decisions as a Board. Supervisor Buggs indicated that there is a culture problem and conflict within the Board. She pointed out that the agenda included action items and said that her understanding was that decisions could not be made at a workshop and need to be made at a regular board meeting. Supervisor Buggs has requested a meeting of the personnel committee several times and believes that if the personnel committee were convened, they would be able to resolve the majority of the Board's issues and work together. Supervisor Buggs indicated that she does not feel the Board will be able to move forward or get anything done until the issues are resolved. Her understanding is that they are a policy board and that she would be effective in policy making but the Board has not gotten to that as there are personnel issues.

Facilitator Cunningham asked if the culture problem was in terms of how conflict is dealt with or if it was that all Board members were not on the same page as to what the Board is about and its role?

Supervisor Buggs responded that Board members represent individual districts and are accountable to the people they represent as well as the Board. Decisions are being made where the District Manager bypasses the full board and works specifically with the Chair. Supervisor Buggs indicated that she is the Vice-Chair of the board and in the case of having Facilitator Cunningham attend the Board meeting, the full board was not consulted. She feels this is indicative of what is happening with the Board. She would like to have a meeting where things are hashed out to then move forward. Supervisor Buggs feel there is one main issue that keeps the Board from moving forward.

Facilitator Cunningham said he appreciated the candid conversation and feels that while conflict can be unhealthy when it crosses the line to be disrespectful, but in general conflict is healthy as good, honest debate is how things are accomplished.

Facilitator Cunningham noted down for later discussion the issue of a culture of conflict and Supervisor Buggs' concern that until it was resolved the Board would not be able to move forward. He then asked Supervisor Behrens for her thoughts on how he can best help the Board.

Supervisor Behrens indicated that she does not think Facilitator Cunningham will be able to teach leadership, engagement or participation. She does think that every member of the Board should be engaged and participate equally, but that at this time that is not happening.

Facilitator Cunningham noted that the meeting process is an organic process and it is important to stay true to the agenda while not overlooking something that is obviously important to Board members. He also noted that it does not sound as though this conflict is something that will be resolved during this meeting, despite its importance. Facilitator Cunningham then posed the question of whether the Board would be able to move forward with the agenda of the day if the conflict is not resolved.

Supervisor Buggs indicated that she is not comfortable voting on the agenda's action items, particularly Item 2A (FY15 BWSR Community Partner Project Encumbrance), as she was not present for it and it was before her term. She would like the Board to resolve its conflict before taking care of any business.

Supervisor Willems asked Supervisor Buggs if the Board should change the agenda for the day and make it into only a personnel committee meeting or if Supervisor Buggs would be happy if a meeting was set for the personnel committee. Supervisor Willems asked Supervisor Buggs how she felt the Board could move forward.

Supervisor Buggs said she would like to see the Board deal with their conflict today. She suggested she could make a motion to remove the action items from the agenda, allowing the Board to deal with other items. Supervisor Buggs indicated her concern regarding filling the vacated Supervisor seat if the Board is not able to work together. Supervisor Willems agreed that this was an important issue. Supervisor Buggs said that was one of the main reasons that she attended today's meeting. Supervisor Buggs stated that the conflict and tension created a hostile work environment. Supervisor Behrens stated that she has experienced conflict and tension since 2008.

Facilitator Cunningham asked if the agenda will stay the same or have adjustments? He also asked if there had been an attempt to deal with the conflict and tension. Supervisor Behrens responded that Supervisor Buggs has requested a meeting of the Personnel Committee in January and three times

since.

Chair Humphrey indicated that the Personnel Committee was appointed as the body of the whole. As such, a meeting of the Personnel Committee would have to be a public meeting. Chair Humphrey stated that she had noticed a special closed meeting in February, but that there was no interest in talking during that meeting. Chair Humphrey reiterated that open meeting laws have to be followed. or she did notice a special closed meeting, during which there was no interest in talking. Open meeting laws do have to be followed.

Supervisor Buggs handed out copies of the open meeting laws. She referenced closed door meetings and indicated that they can be held if the Board is discussing personnel issues. Chair Humphrey stated that she had called a special closed meeting in February and that there was no interest in talking or having a closed meeting.

Facilitator Cunningham asked the Board to clarify if the special closed meeting in February had occurred or if it was not held due to a lack of interest. Chair Humphrey clarified that they held the meeting, but that at the meeting there was no interest in talking and as such, the minutes reflect that the Board did not have a closed meeting.

Supervisor Willems asked the Board to look forward and set a special meeting that would be closed. Chair Humphrey indicated that she is willing to hold a closed meeting if the Personnel Committee as a whole is interested. Supervisor Buggs said that there is interest in holding a Personnel Committee meeting.

Facilitator Cunningham asked if the Board was still interested in moving forward with the agenda if the action items were removed. He acknowledged that staff have an interest in making sure things are moving forward. Facilitator Cunningham asked if the Board would be willing to continue with the agenda if there a meeting of the Personnel Committee was set for a separate time. He asked if this would be an option for breaking the impasse.

Supervisor Willems then asked the staff if whether putting off the action items until next month's Board meeting would be detrimental.

District Manager WhiteEagle indicated that action item A could be taken off but that action item B is the Aquatic Invasive Species watercraft inspection contract that has been under discussion for months. The contractor, WaterGuards LLC, has indicated that they need to begin hiring and training inspectors, but cannot do so until the contract is approved. Hence, it would be a more critical action item. District Manager WhiteEagle also indicated that the Annual Plan does not need to be approved by the Board and could either be discussed or removed from the agenda. District Manager WhiteEagle also reminded the Board that according to the Board of Soil and Water Resources' (BWSR) guidebook, a closed meeting does have to be noticed.

Facilitator Cunningham asked for any additional discussion and if the Board would like to vote.

Supervisor Buggs asked the Board if they were comfortable with either having the meeting now or having it later. She reiterated that to her knowledge they are not able to vote on any actions except at a regular board meeting.

Supervisor Willems asked if today's meeting had been noticed as a special meeting. District Manager WhiteEagle confirmed that it was noticed as a special meeting. Supervisor Behrens stated that the agenda stated it was a workshop, not a special meeting and that she would not participate in taking action at a workshop.

Chair Humphrey indicated that it would be helpful to have guidance as to whether or not the Board is able to take action during a special meeting. Chair Humphrey indicated concern over removing the action items as one of the items has previously been on the agenda. Chair Humphrey also stated that she wanted to be sure RCD staff are able to continue their work while the Board is working through its conflict.

Facilitator Cunningham then asked what the next step would be for the Board. Should they vote to continue with the agenda as written and if that motion did not carry, should they then come up with an alternative?

Chair Humphrey asked Supervisor Buggs to clarify her intent behind the closed door meeting. She asked if it would be to discuss personnel. Supervisor Buggs indicated that yes it would. Chair Humphrey asked Supervisor Buggs why they weren't able to have that discussion at the February special meeting. Supervisor Buggs stated that the February meeting wasn't noticed and that discussions were taking place over email, but that the majority then said that the emails couldn't continue as they were in violation of the open meeting law. Chair Humphrey confirmed that the open meeting law was the reason that the Board was not able to meet over coffee as Supervisor Buggs suggested. Chair Humphrey clarified that the open meeting law was the reason that the discussions were moved from emails to a special meeting that was then noticed. Supervisor Buggs stated that the Board has no by-laws in place and that there were no by-laws approved at her first meeting. Supervisor Buggs then reiterated the conflict facing the Board. Chair Humphrey said that everyone agreed there was conflict and that it was the reason one of the Board Supervisors had resigned. Supervisor Buggs stated she was there to resolve conflict. Supervisor Buggs indicated that all Supervisors were there representing their own districts and that she would respect the decisions of the Board. Supervisor Buggs stated that she is accountable to the people she represents and is on the Board because she cares about protecting natural resources and affecting policy. Supervisor Buggs indicated that she did not want to have Chair Humphreys and the District Manager making decisions for the Board to approve. Supervisor Buggs does not feel that she is a part of the decision making process and that the full Board has been kept in the dark while the Chair and District Manager work together. Supervisor Buggs stated that the Board does not have any say in the meeting agendas and that they are full of approvals for the Board.

Supervisor Willems then asked Supervisor Buggs if she felt that she had had input on previous agendas for regular monthly meetings. Supervisor Buggs said that she did not and that the Chair had not put out the call for agenda items.

District Manager WhiteEagle indicated that for the March Board meeting she requested that any Board members who had agenda items to notify the Chair to ask that they be placed on the agenda. District Manager WhiteEagle also stated that according to the BWSR orientation training the Board agenda is set by the Board Chair, in conjunction with the District Manager. This follows the procedure set by the District's state agency and that it is at the Chair's discretion whether to include additional items on the Board agenda, time permitting. District Manager WhiteEagle stated that agenda items were added to

the February and March Board meetings by Supervisor Buggs.

Facilitator Cunningham then asked the Board if they would like to continue this conversation as it seemed that they were beginning to discuss some of the conflict that they faced and table the agenda or if they would like to go through the agenda and address some of the action items for staff.

Motion by Supervisor Buggs, seconded by Supervisor Behrens to continue to discuss the Board conflict and continue their current conversation today, remove action items 2A and 2B from the agenda, table the rest of the agenda to the next regular Board meeting and set a separate date for a meeting of the Personnel Committee.

Discussion: Chair Humphrey offered to set the Personnel Committee meeting prior to the May Board meeting. She then stated that she would vote no on the current motion as she feels the Board needs to get through some of the issues that are before them; in particular, the by-laws and how the Board operates and how they may be able to resolve their conflict and work together in the future.

Chair Humphrey stated that she felt that as Chair she had been being inclusive by sending Board information out 10 days in advance and by asking for agenda items. She indicated that she is in a difficult position as Chair as agenda changes have been requested in ways that would violate open meeting law, in her opinion. Chair Humphrey was also asked to put an agenda item on the agenda for the March board meeting that was in direct conflict with the RCD Board's by-laws and policies. Chair Humphrey feels that it is her responsibility as Chair to look out for the District; for example, by not adding agenda items that go against District policy, despite being requested to by another Supervisor. Chair Humphrey indicated that this is an example of the type of thing the Board could discuss and figure out by going over the by-laws, which would then allow the Board to move forward.

Supervisor Behrens stated that she would not vote on something that she had not had input on.

Supervisor Willems indicated that the Board has a lot of work to get done, especially with the quick adjournment of the last Board meeting. Supervisor Willems indicated a desire to accomplish as much as possible today, in particular addressing the AIS agreement, reviewing the by-laws and setting a date for a meeting of the Personnel Committee.

Mr. Bigalke clarified that if the Board's intention was to call a closed door meeting regarding personnel, it must be decided in a public meeting by a majority vote and then properly noticed. The Board is also required to be very clear as to the intent of the closed meeting. Staff or personnel review is not subject to a closed meeting, with the exception of it being requested by the staff member that it be a closed meeting review. Labor negotiations or contracts are the type of topics that are subject to a closed meeting. Supervisor Behrens stated that this information was covered in the hand out supplied by Supervisor Buggs. Mr. Bigalke continued to say that this meeting was noticed as a special meeting and whether it was called a workshop or not, it is a special meeting and the Board is allowed to take action during it.

Chair Humphrey clarified that Mr. Bigalke had said that the Board needs to specify a particular reason for holding a closed meeting. Mr. Bigalke confirmed that fact and that the Board needs to be very clear about the intent of the closed meeting.

Supervisor Buggs indicated that she understands Chair Humphrey's position as the Board Chair. She would like to request that Chair Humphrey ask for full board participation on the agenda. Supervisor Buggs feels this will alleviate the need for Chair Humphrey to act as arbitrator.

Chair Humphrey asked to clarify Supervisor Buggs' request; and asked if it would be better if Chair Humphrey sent out the agenda and asked for changes instead of the District Manager sending out the agenda. Supervisor Buggs indicated that yes, that is what the Board is supposed to be doing. The District Manager should be carrying out the policies that the Board sets. Chair Humphrey asked if talking about agenda items for the next meeting could be discussed at the end of the current board meeting. Chair Humphrey indicated that this could be a way of having everyone able to discuss the agenda without violating open meeting laws. Supervisor Buggs and Supervisor Willems agreed.

Supervisor Buggs reminded the Board that her motion was still on the table. Chair Humphrey asked if Supervisor Buggs would accept a friendly amendment to include the action item 2B. Supervisor Behrens indicated that she had already seconded the original motion.

Supervisor Buggs asked for clarity on 2B on why it needs to be approved today. Staff member Prosser explained that aquatic invasive species program is contracting with a third party to provide watercraft inspectors this season. The third party needs to have the contract approved in order to begin hiring inspectors. Staff member Prosser then will need to insure that inspectors attend Department of Natural Resources training before ideally beginning work at boat launches in early May, the same time that the next Board meeting is set for.

Ms. Peterson voiced concern for Action Item 2A. She had given an extension for one of the projects under the FY15 Community Partners Grant previously. This action item was on last month's Board agenda and no action was taken. She indicated her concern that if action is not taken the RCD and BWSR may lose the project.

Supervisor Buggs indicated that Action Item 2A had been put in place prior to her being on the Board. She does not feel comfortable voting for it and asked how long the extension was through as there will be another May board meeting where it could be considered. Ms. Peterson indicated that the extension went through December of 2018. However, in order to get the funding encumbered, contractors lined up and construction completed, additional delays would be detrimental and could cause possible completion date issues.

Facilitator Cunningham inquired as to whether information on Action Items 2A and 2B was provided to Board members in advance for review. Ms. Peterson indicated that it was included in the Board packet.

Chair Humphrey withdrew her friendly amendment in the interest of moving ahead with the meeting.

The motion on the table was reviewed and the vote was taken.

Voting in favor of taking no action on Action Items 2A and 2B, tabling today's current agenda and setting a date for a meeting of the personnel committee: Behrens, Buggs – Voting against: Humphrey, Willems – Abstaining: none. Motion failed to carry.

Motion by Chair Humphreys, seconded by Supervisor Buggs to set a closed meeting of the personnel committee to discuss the District Manager’s performance and the interaction between Supervisors on May 4, 2017 at 5:30 p.m.

Discussion: Mr. Bigalke indicated that the description of the meeting as ‘a meeting of the personnel committee to discuss personnel issues with regards to interactions between supervisors and to clarify the roles of the Chair, the District Manager and the full board’ would not merit a closed meeting. If they were discussing a contract or the status of employment of employees that would be a closed meeting, but that they would need to be more specific than the initial description. Supervisor Buggs stated that it would not be just discussion of roles and responsibilities. Supervisor Buggs indicated that she would like to discuss the District Manager and personnel issues as it relates to job performance. Mr. Bigalke indicated that that would be sufficient. District Manager WhiteEagle asked for clarification of her understanding of the statute that indicates that as the staff member who is being discussed at the closed meeting, she is able to request that the meeting be open. Mr. Bigalke confirmed her understanding.

Voting in favor of setting a closed meeting of the personnel committee to discuss the District Manager’s performance and the interaction between Supervisors on May 4, 2017 at 5:30 p.m.: Behrens, Buggs, Humphrey, Willems – Voting against: none – Abstaining: none. Motion carries.

Motion by Chair Humphreys, seconded by Supervisor Willems to approve and proceed with the agenda as written.

Voting in favor of approving and proceeding with the agenda as written: Humphrey, Willems – Voting against: Behrens, Buggs – Abstaining: none. Motion failed to carry.

2. Adjournment: **Supervisor Willems made the motion to adjourn the meeting at 12:12 p.m. Supervisor Buggs seconded.**

Voting in favor of adjournment: Behrens, Buggs, Willems - Voting against: Humphrey - Abstaining: none.

These minutes are submitted by Michelle Prosser.